

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ben Gilmore	Team: Team # 4	CCRB Case #: 201309924	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 10/16/2013 11:00 PM	Location of Incident: 103rd Road and 177th Street; 103rd Precinct stationhouse; En route to Queens Central Booking	Precinct: 103	18 Mo. SOL 4/16/2015	EO SOL 4/16/2015	
Date/Time CV Reported Fri, 10/18/2013 3:20 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/22/2013 1:24 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. SGT Christophe Karroll	29871	945871	083 PCT
3. POM Christophe Yazzo	16122	946404	103 PCT
4. POM Gerardo Perrone	09752	942343	103 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jason Loesch	05260	932912	103 PCT
2. POM Bruno Mazza	27075	928732	103 PCT
3. POM Dean Schauder	24214	905010	103 PCT
4. POM Jared Fink	11309	950413	103 PCT
5. POM Henry Spengenberg	19477	951295	103 PCT
6. POM Shawn Macdowell	15896	949237	103 PCT
7. POM Robert Cohen	21353	934660	103 PCT
8. POF Marie Arcoleo	25900	950017	103 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Gerardo Perrone	Force: At 103rd Road and 177th Street in Queens, PO Gerardo Perrone used a chokehold against § 87(2)(b)	
B. An officer	Discourtesy: At the 103rd Precinct stationhouse, an officer acted discourteously toward § 87(2)(b)	
C.SGT Christophe Karroll	Force: At the 103rd Precinct stationhouse, PO Christopher Karroll used physical force against § 87(2)(b)	
D.POM Christophe Yazzo	Off. Language: At various locations, PO Christopher Yazzo made remarks to § 87(2)(b) based upon the sex of § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
E. An officer	Discourtesy: En route to Queens Central Booking, an officer acted discourteously toward § 87(2)(b)	

Case Summary

On October 16, 2013, at approximately 11:55PM, § 87(2)(b) exited Tropical Fantasy Night Club which is located at 17232 Jamaica Avenue in Queens with four other individuals: her brother § 87(2)(b) her sister § 87(2)(b) her brother § 87(2)(b) and a friend § 87(2)(b). A physical altercation occurred at Tropical Fantasy Night Club prior to the five individuals leaving, and multiple 911 calls were made reporting that a male was assaulted by a group of people at the night club, including one caller who said that two females were involved in the assault (encl. 37a-e). § 87(2)(b) and § 87(2)(b) walked together away from the scene of the alleged assault, and walked separately from § 87(2)(b) and § 87(2)(b).

PO Christopher Yazzo and PO Christopher Karroll approached § 87(2)(b) and § 87(2)(b) and arrested them after a witness identified them as being part of the physical altercation at Tropical Fantasy Night Club (encl. 21k-m, 21q-s).

PO Dean Schauder and PO Bruno Mazza approached § 87(2)(b) and § 87(2)(b). § 87(2)(b) was placed under arrest after being identified by a witness of the physical altercation (encl. 21n-p). PO Jason Loesch and PO Gerardo Perrone arrived to back up PO Schauder and PO Mazza. The arrest report and police testimony indicate that § 87(2)(b) acted disorderly, and she was placed under arrest (encl. 21a-j). § 87(2)(b) alleged that an officer, identified by the investigation as PO Perrone, grabbed her by the neck of her jacket, restricting her breathing for a moment, and pushed her against a gate (**Allegation A**).

§ 87(2)(b) was transported to the 103rd Precinct stationhouse where she was lodged in the prisoner holding cell (encl. 46a-47b). § 87(2)(b) alleged that while she was in the holding cell, an officer who the investigation was unable to identify, spat at her (**Allegation B**). § 87(2)(b) alleged that an officer, identified by the investigation as PO Christopher Karroll (since the time of the incident, Christopher Karroll was promoted to sergeant), pushed her inside the holding cell, causing her to fall and hit her head (**Allegation C**). § 87(2)(b) fell backwards in the holding cell, sustaining a laceration to the top of her head, and she was taken by EMS from the stationhouse to § 87(2)(b) where she was treated with staples; medical records also indicate that § 87(2)(b) was acutely intoxicated (encl. privileged folder). § 87(2)(b) was also treated at § 87(2)(b) (encl. privileged folder).

At the hospital § 87(2)(b) did not recall if it was at § 87(2)(b) or § 87(2)(b), and at various points throughout the incident, § 87(2)(b) alleged that an officer who the investigation identified as PO Christopher Yazzo, spoke discourteously toward her (**Allegation D**). En route to Queens Central Booking, § 87(2)(b) alleged that an officer who the investigation was unable to identify blew cigarette smoke in her face (**Allegation E**).

PO Loesch and PO Karroll went Line of Duty as a result of the § 87(2)(b) allegedly spit in the face of PO Loesch at the scene of her arrest and at both PO Loesch and PO Karroll at the 103rd Precinct stationhouse (encl. 21d, 23d, 44a-45e).

Mediation, Civil and Criminal Histories

- There were negative results for a Notice of Claim filed regarding this incident (encl. 50a).

§ 87(2)(b); §§ 86(1)(3)(4); § 87(2)(c)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint in which § 87(2)(b) and § 87(2)(b) are involved (encl. 4a-e).
- In 6 years on the job, this is the first CCRB case in which either PO Karroll and PO

Yazzo is a subject officer § 87(2)(g), § 87(4-b)

(encl. 1a-2a).

- PO Perrone was the subject of a force allegation in 2011 in which the complainant was uncooperative—it was alleged that PO Perrone pushed a female with an open palm. In his 8 years on the force, this is the only physical force allegation in which PO Perrone was a subject (encl. 3a).

Attempts to Contact Civilians

- None of the four individuals whom § 87(2)(b) was with around the time of her arrest and during her stay at the 103rd Precinct stationhouse cooperated with the CCRB investigation. Also, § 87(2)(b) the individual who acknowledged witnessing the alleged assault at Tropical Fantasy Night Club and participating in a show-up did not cooperate with the CCRB investigation (encl. 52a-q).

Officer Identification

- § 87(2)(b) alleged that the officer who placed her in handcuffs was the officer who used a chokehold against her. The physical description § 87(2)(b) provided of this officer did not match any officer who the investigation determined was present during the alleged chokehold (encl. 17a, 19a, 26a, 28a). PO Perrone was the only officer who said that he handcuffed § 87(2)(b) and he said he alone placed § 87(2)(b) in handcuffs. Allegation A is therefore pleaded against PO Perrone.
- § 87(2)(b) alleged that in the holding cell of the 103rd Precinct, an officer spat at her, but she did not recall which officer did this. Given that none of the civilians which IAB interviewed reported this (encl. 11a-14a), and that all of the interviewed officers denied spitting at § 87(2)(b) or seeing any officer spit at § 87(2)(b) (encl. 17c, 19c, 22c, 24c, 26b-c, 28b), the investigation was unable to identify the officer who allegedly spat at § 87(2)(b). Allegation B is therefore pleaded against ‘An officer.’
- § 87(2)(b) alleged that while rear-cuffed inside of the 103rd Precinct holding cell, one officer § 87(2)(b) was not sure which one pushed her, causing her to fall backwards. Both PO Karroll and PO Loesch said that they were the only officers in the vicinity of the holding cell at the time when § 87(2)(b) fell (encl. 19b, 24c); § 87(2)(b) and § 87(2)(b) corroborated that two officers were in the vicinity of the holding cell when § 87(2)(b) fell (encl. 11a, 14a). Between PO Karroll and PO Loesch, PO Karroll was the only one who acknowledged making physical contact with § 87(2)(b) immediately before she fell (encl. 19a-c, 24a-c). Allegation C is therefore pleaded against PO Karroll.
- § 87(2)(b) alleged that throughout the incident, and definitely at the hospital, an officer who she described as a white male who stood 5’3” tall, dark hair, skinny build, and in uniform, spoke discourteously to her. § 87(2)(b) said this officer also transported her to Queens Central Booking. PO Yazzo and PO Cohen were the only male officers who transported § 87(2)(b) to Queens Central Booking (encl. 46a, 29b, 30b). PO Yazzo was § 87(2)(b)’s arresting officer (encl. 21a-j), and he acknowledged interacting with her at the stationhouse and transporting her to the hospital (encl. 22c). PO Cohen’s memo book indicates that he did not transport § 87(2)(b) to the hospital-- he did not work on October 16, 2014, and he began working on October 17, 2014, at 7:00AM (encl. 30b). Although PO Yazzo is a Hispanic male, he can reasonably be mistaken for white (encl.

38a). Given all these factors, Allegation D is pleaded against PO Yazzo.

- § 87(2)(b) alleged that an officer who she described as a white male who stood 6'0" tall, with a husky build, in a uniform with a white shirt, and with salt and pepper hair interacted with her at the stationhouse and also transported her to Queens Central Booking at which point he blew cigarette smoke in her face. The investigation determined that PO Yazzo, PO § 87(2)(b) Arcoleo, and PO Robert Cohen transported § 87(2)(b) to Queens Central Booking (encl. 46a, 29b, 30b). § 87(2)(b) alleged that it was an officer other than PO Yazzo who blew cigarette smoke in her face. PO Yazzo acknowledged transporting § 87(2)(b) to Queens Central Booking, but he denied seeing any officer blow smoke in § 87(2)(b)'s face, and neither PO Cohen nor PO Arcoleo match the physical description which § 87(2)(b) provided (encl. 3e-f), and neither would have been wearing a white shirt while in uniform. Allegation E is therefore pleaded against 'An officer.'

Findings and Recommendations

Allegation A: Force—At 103 Road and 177 Street in Queens, PO Gerardo Perrone used a chokehold against § 87(2)(b)

§ 87(2)(b) was arrested for disorderly conduct at the southeast corner of 103rd Road and 177th Street in Queens. § 87(2)(b) was the only civilian in the vicinity during the time of her arrest, and PO Perrone, PO Loesch, PO Schauder, and PO Mazza were the only officers on scene. § 87(2)(b) was acutely intoxicated during the time of her arrest (encl. privileged folder).

§ 87(2)(b) alleged that PO Perrone forced her against a gate by grabbing the neck of her jacket which caused her breathing to be restricted for a moment (encl. 10a). § 87(2)(b) did not report this to IAB (encl. 8a-c) and statements regarding this allegation do not appear in the medical records (encl. privileged folder).

§ 87(2)(b) told IAB that the officer who arrested § 87(2)(b) grabbed her hands and twisted them in a violent manner and placed her in handcuffs (encl. 13a). § 87(2)(b) did not report that § 87(2)(b) was forced against a gate or that an officer grabbed her by the neck of her jacket.

PO Perrone acknowledged placing § 87(2)(b) in handcuffs (encl. 17b-c). PO Perrone said he never forced § 87(2)(b) against a gate, and that he never grabbed § 87(2)(b) by the neck of her jacket. PO Perrone reported that § 87(2)(b) tried to pull one arm away while being placed in handcuffs, but she did not resist further. The arrest report indicates that § 87(2)(b) resisted arrest by flailing both arms (encl. 21d).

PO Loesch did not think § 87(2)(b) was forced against a gate while being handcuffed, and no officer grabbed § 87(2)(b) by the neck of her jacket (encl. 19b-c). PO Schauder was focused on § 87(2)(b) and did not know who handcuffed § 87(2)(b) or see if she resisted (encl. 26b-c). PO Mazza did not report that § 87(2)(b) was forced against a gate or that the neck of her jacket was grabbed (encl. 28a-b).

§ 87(2)(b) was the only individual who said that she was grabbed by the neck of her jacket while being placed in handcuffs, and she did not report this to IAB. It is reasonable to believe that § 87(2)(b) did not report this to IAB because IAB had responded due to her injury which she later sustained in the stationhouse. However, § 87(2)(b)'s statement to IAB contradicted § 87(2)(b)'s account of how she was apprehended, and no officer corroborated § 87(2)(b)'s allegation of a chokehold.

§ 87(2)(g)

§ 87(2)(g)

Allegation B: Discourtesy—At the 103rd Precinct stationhouse, an officer acted discourteously to

§ 87(2)(g)

Allegation C: Force—At the 103rd Precinct stationhouse, PO Christopher Karroll used physical force against

§ 87(2)(b) was rear-cuffed in the holding cell of the 103rd Precinct stationhouse. § 87(2)(b) alleged that she was standing still, approximately one foot away from the holding cell entrance, voicing concerns about her sister, § 87(2)(b) who was in the holding cell behind her. § 87(2)(b) said alleged that PO Karroll pushed her.

§ 87(2)(b) fell backwards in the holding cell and hit her head. She was later treated at § 87(2)(b) for a laceration to the top of her head and she received staples to address the injury (encl. privileged folder). The medical records also noted that § 87(2)(b) was acutely intoxicated.

§ 87(2)(b) and § 87(2)(b) were in the male holding cell when § 87(2)(b) fell. The male holding cell is adjacent to the female holding cell, but a solid wall between the two obstructs the view from one cell to the other (encl. 5b). § 87(2)(b) said that he heard commotion from the female holding cell and then a “thump” (encl. 13a). § 87(2)(b) said that two officers, identified by the investigation as PO Karroll and PO Loesch, escorted § 87(2)(b) to the holding cell where § 87(2)(b) was housed and told § 87(2)(b) to move back; § 87(2)(b) went inside the holding cell, some commotion was heard, and then § 87(2)(b) heard something fall against a bench (encl. 14a).

§ 87(2)(b) said that she was already inside the holding cell when § 87(2)(b) was lodged, and that officers pushed § 87(2)(b) into her, causing both of them to fall to the § 87(2)(b) fell on top of § 87(2)(b) (encl. 11a).

PO Perrone, PO Schauder, and PO Yazzo each said that they did not see § 87(2)(b) fall (encl. 17b-c, 26b-c, 22b-c).

PO Loesch and PO Karroll said that they went to place § 87(2)(b) in the holding cell when § 87(2)(b) ran towards the entrance of the holding cell, preventing them from placing § 87(2)(b) inside (encl. 19b-c, 24b-c). In response PO Loesch entered the holding cell and escorted § 87(2)(b) to the bench inside the holding cell without incident. PO Loesch and PO Karroll said that as PO Loesch was exiting the holding cell, § 87(2)(b) ran towards him.

PO Loesch said that he and PO Karroll closed the holding cell door as § 87(2)(b) ran towards § 87(2)(b) made contact with the door, causing her to fall backwards. No officer pushed § 87(2)(b).

PO Karroll said that he extended his left arm to protect PO Loesch, and § 87(2)(b) ran into his hand; § 87(2)(b) was moving into the holding cell and the holding cell door was being closed all at the same time. PO Karroll said that any of these factors could have caused § 87(2)(b) to fall, and the fact that § 87(2)(b) was intoxicated, running, and wearing heels likely contributed to her fall. PO Karroll said he did not push § 87(2)(b).

§ 87(2)(g)

§ 87(2)(g)

Allegation D: Discourtesy: At various locations, PO Christopher Yazzo made remarks to

§ 87(2)(b) **based upon the sex of** § 87(2)(b)

§ 87(2)(b) alleged that throughout the incident PO Yazzo called § 87(2)(b) a “whore” and made other comments regarding her sexual promiscuity.

PO Yazzo denied making any offensive remark to § 87(2)(b) and no officer reported hearing an officer make an offensive remark to § 87(2)(b). No civilian reported to IAB that an officer made these statements.

§ 87(2)(g)

Allegation E: Discourtesy—En route to Queens Central Booking, an officer acted discourteously to § 87(2)(b)

§ 87(2)(g)

Team:

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date